

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: DAYN HARDIE
DEPUTY ATTORNEY GENERAL

DATE: MARCH 12, 2021

SUBJECT: ROCKY MOUNTAIN POWER'S APPLICATION FOR APPROVAL OF THE NON-EXCLUSIVE LIGHT POLE ATTACHMENT LEASE AGREEMENT WITH CINGULAR WIRELESS; CASE NO. PAC-E-21-04.

On February 22, 2021, PacifiCorp dba Rocky Mountain Power ("Company") applied to the Commission for an order approving a Lease Agreement ("Lease") between the Company and New Cingular Wireless PSC, LLC ("Cingular") The Company submitted its Application under *Idaho Code* §§ 61-328 and 61-332, et. seq. The Company requested its Application be processed under Modified Procedure.

THE APPLICATION

The Lease allows Cingular to attach small cell wireless facilities on the Company's street light poles. The Lease has a term of ten-years with automatic one-year renewals until either party terminates it. Cingular will submit applications to use individual street light poles to the Company. The Company will grant or deny those applications.

Non-metered service may be provided to Cingular under the Company's Electric Service Regulation No. 4. Alternatively, the Company may provide metered service.

STAFF RECOMMENDATION

Idaho Code § 61-328 states that the Commission "shall conduct a public hearing upon the application." In order to fulfill this statutory requirement, Staff recommends the Commission issue a Notice of Application, Notice of Modified Procedure, and Notice of Telephonic Hearing. Staff recommends setting an April 28, 2021 public comment deadline, a May 5, 2021 Company reply deadline, and scheduling a telephonic hearing before public comments are due.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Application, Notice of Modified Procedure, and Notice of Telephonic Hearing setting an April 28, 2021 public comment deadline, a May 5, 2021 Company reply deadline, and a telephonic hearing before the public comment deadline?



Dayn Hardie
Deputy Attorney General

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